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Food and Agricultural Import Regulations and Standards

Update: pesticide legislation approved 2009

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Report Highlights:

The European Parliament today approved the new EU pesticides legislation, consisting of a Regulation on placing pesticides or plant protection products (PPPs) on the market as well as a Directive on the sustainable use of pesticides. The vote at second reading was based on a trialogue agreement reached between the Commission, the Council and the Council in December 2008. The legislation aims at increasing the number of pesticides available in Member States while at the same time banning the use of certain chemicals considered dangerous in these products. Measures to ensure the safer use of pesticides in daily life will be introduced as well. Both pieces of legislation must now be endorsed by the Council but this should be a formality in view of the agreement reached in December. It will probably enter into force May 2009 and be fully applicable by the end of 2010.

Includes PSD Changes: No
Includes Trade Matrix: No
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[E4]

Background

The main aim of the first proposal, which will replace the existing legislation Council Directive 91/414/EEC, is to facilitate the current approval and authorization procedures pesticides or Plant Protection Products (PPPs) and increase harmonization while maintaining a high level of protection for humans, animals and the environment. The second draft proposal covers the sustainable use of pesticides.

The two pieces of legislation have attracted a lot of attention because of the different positions of various actors (pesticide manufacturers, farmers, health professionals, environmentalists) including different opinions about the impact of the legislation. The major concern of some Member States and the EU crop protection industry was about the approval criteria that were based on hazard identification rather than risk assessment, or so called 'cut-off criteria' without taking any levels of exposure into account. This would lead to a large reduction in crop protection solutions, with less products being authorized and for only a limited number of applications.

Regulation regarding the authorization of pesticides

The following keypoints have finally been approved for Council consideration:

- Pesticides will be licensed at national level on the basis of a list drawn up at EU level, containing all the approved "active substances" (or chemical ingredients of pesticides)
- Highly toxic chemicals such as carcinogens, mutagens, endocrine-disruptors or toxic to reproduction will be banned
- Higher safety standards may be imposed for neurotoxic and immunotoxic substances
- A toxic substance may be approved for up to five years if it is needed to combat a serious danger to plant health
- Products containing certain hazardous substances are to be replaced if safer alternatives are shown to exist within 3 years.
- Substances likely to be harmful to honeybees will be outlawed.

Member States will be able to license pesticide products at national level or through mutual recognition within each zone (with the EU divided into three zones: north, centre and south). It will be easier to approve products across borders within a given zone. Other Member States grant an authorization based on the conclusions of the lead Member State within a period of 120 days. There is some flexibility for individual Member States to adapt conditions of use or even reject a mutual recognition such as opt-out possibilities based on environmental and climatic conditions in the Member States. Mutual recognition between zones is possible as long as this authorization is then not used for further mutual recognitions in the same zone.

It is unclear how many substances will be affected by the new regulation. Active substances will remain available until the existing authorization expires and the majority of the criteria for the approval of an active substance are consistent with provisions already in place today. However, certain new criteria have been put in place which could lead to the removal of substances based on certain hazard properties. The hazard properties identified include:

- Persistent Organic Pollutants
- PBTs (Persistent-Bio accumulative-Toxic)
- vPvB (Very Persistent-Very Bio accumulative)
- Category 1 & 2 CMRs (Carcinogenic-Mutagenic-Reprotoxic)
- Endocrine disruptors (ED)

The sustainable use of pesticides

The main points of this directive are:

- The principle of Integrated Pest Management is laid down, meaning a better targeted use of all available pest control measures, including pesticides
- Member States must adopt National Action Plans for reducing pesticide volumes (MEPs dropped the demand for a specific reduction target of 50% for chemical substances of particular concern, to help secure a deal with the Council)
- Aerial crop spraying will in general be banned with exceptions subject to approval by the authorities). No spraying will be allowed close to residential areas.
- "buffer zones" around water sources and "safeguard zones" around any surface and groundwater used for drinking water (set at Member State level) are to protect the aquatic environment and drinking water supplies from the impact of pesticides.
- Pesticide use around parks & playgrounds and hospitals must be kept to a minimum, as "substantial no spray zones" are to be established.
- New rules are introduced on the training of pesticide users and salepeople.

This directive must be implemented by the Member States by early 2011. The aim is to use as few pesticides as possible, but at the right time and in the right dosage.

Related reports on pesticides and MRLs from USEU Brussels:

Report Number	Title	Date Released
E48126	EP Environment Committee voted on pesticide package	11/07/08
E48070	Political agreement on new pesticide proposal	6/26/08
E48060	EU Council stalls pesticide review	05/23/08
E48007	The EU harmonization of MRLs: update	01/17/08
E47072	Pesticides update: draft temporary MRL list published - 2007	8/17/07
E36149	UPDATE ON EU PESTICIDE MRLS	12/21/06
E36054	Update on the EU Pesticide MRL Harmonization	04/04/06
E35016	EU Pesticide MRLs Harmonized Shortly	02/03/05
These reports can be accessed through our website http://useu.usmission.gov/agri/pesticides.html or through the FAS website http://www.fas.usda.gov/scripts/attacherep/default.asp .		